

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL VITO CATANIA

Appeal No. 2002-0840
Application No. 09/610,015

ON BRIEF

Before COHEN, McQUADE, and NASE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 3, 4, and 6 through 10. Claims 5 and 11 stand withdrawn; 37 CFR 1.142(b). These claims constitute all of the claims remaining in the application.

Appellant's invention relates to a stabilizer bar attachment system of a vehicle suspension system and to a vehicle suspension system. A basic understanding of the invention can be derived

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from a reading of exemplary claims 1 and 3, respective copies of which appear in the APPENDIX to the main brief (Paper No. 12).

As evidence of anticipation and obviousness, the examiner has applied the documents listed below:

Kincaid et al (Kincaid)	6,076,840	Jun. 20, 2000
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The following rejection is before us for review.

Claims 1, 3, 4, and 6 through 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kincaid.

The full text of the examiner's rejection and response to the argument presented by appellant appears in the answer (Paper No. 14), while the complete statement of appellant's argument can be found in the main and reply briefs (Paper Nos. 12 and 15).

OPINION

In reaching our conclusion on the issues raised in this appeal, this panel of the board has carefully considered appellants' specification and claims, the applied teachings,¹ and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We do not sustain the rejection of appellant's claims under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kincaid.

Claim 1 is drawn to a stabilizer bar attachment system of a vehicle suspension system comprising, inter alia, a pair of bushings sized to fit in end openings of a stabilizer bar, with

¹ In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

each of the bushings including an aperture and a cap having an outer diameter larger than an interior dimension of the stabilizer bar to abut ends of the stabilizer bar, and a pair of threaded linkages, the bushings being inserted into the ends of the stabilizer bar and expanding outwardly as a linkage is turned within the aperture, securing the bushings within the stabilizer bar.

Claim 8 sets forth a vehicle suspension system comprising, inter alia, a stabilizer bar, a pair of expandable bushings having an aperture to receive a threaded linkage and a cap having an outer diameter larger than an interior diameter of the stabilizer bar to abut an end of the stabilizer bar, and a pair of threaded linkages each having a head to provide pressure on the cap of the bushings, the bushings being inserted into each end of the stabilizer bar and expanding outwardly as a threaded linkage is turned within the aperture securing the bushing within the stabilizer bar.

At this point, we make reference to the specification to gain an understanding of the meaning of the claimed recitation of a pair of bushings including or having a cap. Considering the

underlying disclosure (specification, page 5), we are instructed that Figures 4 and 5 illustrate the (direct connect) insert 10, which insert includes a generally cylindrical shaped body portion 12, an annular cap 14, and an aperture 16. Additionally, the insert is indicated as being comprised of a material that will readily expand. In light of the above, it is quite apparent to us that the bushing itself includes or has a annular cap 14, with the bushing and its cap being of a material that will readily expand, as further revealed in the drawings.

We certainly appreciate the relevance of the Kincaid teaching applied by the examiner, vis-a-vis the now claimed subject matter. The examiner's primary focus is upon the embodiment in Kincaid shown in Figs. 5 and 6. For this embodiment, however, Kincaid expressly teaches, as distinct entities, a rubber or elastomeric material bushing 100 and a washer 104, with the washer abutting the end wall 108 of the bushing. The cross-hatching in Figure 5 of Kincaid leads us to believe that the washer 104 is fabricated from a metal material, in contrast with the rubber or elastomeric material bushing 100. It is also worthy of noting that the patentee indicates that, optionally, the washer can be eliminated if the radial dimension

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of the integral nut 58 engages end surface 84 of the stabilizer bar 30 (apparently what is intended is akin to the showing in Fig. 2 wherein nut segment 52 engages end surface 84).

Considering our understanding of the meaning of the claim language regarding the bushing including or having a cap, and the overall teaching of Kincaid, it is clear to us that the claimed invention is not anticipated by or rendered obvious by the applied patent. As a final point, we find ourselves in agreement with appellant's argument that counters the examiner's assertion of equivalency of a washer and a cap, particularly when the particular Kincaid disclosure is taken into account. For the above reasons, the rejection based upon 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) cannot be sustained.

In summary, this panel of the board has not sustained the rejection on appeal.

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The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOHN P. McQUADE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JEFFREY V. NASE)	
Administrative Patent Judge)	

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